

**FILED BY THE BOARD OF
SOCIAL WORK EXAMINERS**

April 14, 2000 KWC

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF SOCIAL WORK EXAMINERS

In the Matter of the Suspension :	
or Revocation of the License of :	
:	Administrative Action
KATHERINE A. COOPER, L.C.S.W. :	
LICENSE NO. SC 43364 :	ORDER OF TEMPORARY SUSPENSION
:	
To Practice Social Work in :	
The State of New Jersey :	

This matter was presented to the State Board of Social Work Examiners by way of a Verified Complaint filed on March 31, 2000 by Attorney General John J. Farmer, Jr., Kathy Mendoza, Deputy Attorney General ("DAG") appearing. Katherine A. Cooper was served on March 31, 2000 with the Complaint and an Order to Show Cause by which a hearing was scheduled on April 5, 2000.

The Complaint alleges that in August 1998 W.T., an adult male, sought counseling at Rainbow Healthcare Associates and was assigned to therapy with Katherine Cooper ("respondent"), a Licensed Clinical Social Worker ("LCSW"). The Complaint further alleges that respondent has engaged in conduct with W.T. which is violative of the Social Workers' Licensing Act, including engaging in a sexual relationship, crossing professional boundaries, engaging in harassing and coercive behavior, and refusing to release W.T.'s patient records.¹ The Complaint

¹ This is Count III of the Verified Complaint. The State moves on Counts I and II of the Complaint for the temporary suspension.

asserts that this conduct demonstrates, among other things, violations of the Board's statutes and regulations governing sexual conduct and harassment, N.J.A.C. 13:44G-10.7, and confidentiality, N.J.S.A. 45:15BB-13, N.J.A.C. 13:44G-10.4, which violations constitute gross and repeated acts of negligence in violation of N.J.S.A. 45:1-21(c) and (d), professional misconduct in violation of N.J.S.A. 45:1-21(e), and violation of the Social Work Act pursuant to N.J.S.A. 45:1-21(h).

Specifically, the Complaint alleges that on March 30, 1999 and April 7, 1999, respondent performed oral sex on W.T. during therapy sessions. Starting on April 14, 1999 and continuing until the termination of therapy on August 19, 2000, respondent and W.T. engaged in sexual intercourse during the therapy sessions. Additionally, it is alleged that respondent encouraged W.T. to consider engaging in sex with young males, including her 12 year old patient G.R., as a means of therapy. The Complaint further alleges that respondent threatened W.T. with institutional commitment if he did not comply with her sexual demands. The Complaint contends, in fact, that she telephoned the Washington Township police, requesting that they check on W.T. because he was suicidal; and then following the threat of commitment, respondent went to W.T.'s house that very night and insisted that he engage in sex with her. Finally, the Complaint alleges that on September 15, 1999, after counseling had been

terminated with respondent, W.T. sought his records from Rainbow Healthcare Counseling. However, the file was not turned over until November 11, 1999 after W.T.'s attorney obtained a court order on November 9, 1999.

A hearing on the Attorney General's Application for Temporary Suspension was held before the Board on April 5, 2000. DAG Mendoza presented the case on behalf of the Attorney General. Christopher Cona, Esq. appeared with and on behalf of respondent.

The allegations of the Attorney General were supported by the following exhibits which were marked for identification and entered into evidence:

1. A--certified transcript of W.T.'s recorded statement to the Glassboro Police Department, County of Gloucester, October 8, 1999, and information supplementing the recorded statement.

2. B--letters, a journal and other correspondence from respondent to W.T., certified by W.T.

3. C--documents relating to W.T.'s efforts to obtain his medical records from Rainbow Health Care and requiring respondent to cease all contact with W.T.²

4. D--certified copies of W.T.'s medical records.

5. E--certified copy of the file of Gloucester County Prosecutor, including Complaint and Summons, Investigation Report and Statement of Washington Township Police, reports of Glassboro Police, and documents alleged to be written by respondent.

² Mr. Cona objected to the admission of Exhibit C into evidence. He argued that the request for records and Order to Show Cause were addressed to Rainbow Healthcare Associates and not to respondent. The Board admitted it into evidence, giving the appropriate weight.

6. F--certified copy of documents from Glassboro Police Department, including a report of police visit to W.T.'s home, and arrest warrant of respondent by Glassboro Police.

7. G-- copy of respondent's Social Work License Application, June 1997.

DAG Mendoza made motions to seal the exhibits and to protect the identities of W.T. and G.R., a juvenile. Respondent's attorney, Christopher Cona, Esq. objected to the sealing of the exhibits and the redacting of W.T.'s full name although he had no objection to the juvenile's name being redacted. The basis of the objection was that W.T.'s name appears in full in the documents relating to the criminal case. The Board considered the arguments and granted DAG Mendoza's motions. Mr. Cona did not make any motions. The State concluded its presentation and reserved the opportunity for closing remarks.

Respondent's counsel in opening argument denied all the allegations and submitted the following exhibits which were marked for identification and entered into evidence:³

D-1--May 25, 1999 letter from W.T. to respondent.

D-2--March 22, 2000 reference letter from Francene Black, M.D.

D-3--March 30, 2000 reference letter from Edward Harris, L.C.S.W.

³ DAG Mendoza objected to respondent's exhibits being entered into evidence on the basis that she had not had an opportunity to see the exhibits. The exhibits were admitted into evidence given the truncated notice to respondent and the nature of this application.

Respondent testified that she never had any sexual contact with W.T. nor did she suggest that he engage in sex with young boys. Respondent claimed that she had to assure W.T. that she would not be sexual because of his fears based upon sexual abuse in his childhood by a minister and his wife.

During cross-examination by DAG Mendoza, respondent admitted that all of the handwritten documents addressed to W.T. were written by her. She further acknowledged authoring parts of the typewritten documents, but claimed that W.T. tampered with the typewritten letters by inserting words and sentences which are primarily sexual in nature.

In response to questions by DAG Mendoza, respondent conceded that she was emotionally impacted by W.T., and that he was aware of her emotional state at sessions. She further admitted that she disclosed to W.T. that she began taking Zoloft so that she would not be so emotional with him. Respondent contended that she did not end W.T.'s treatment despite her emotional state because he told her that he would not go to another therapist.

Respondent testified to what she considered to be respondent's suicidal ideation and, at times, intent. She claimed to have been concerned and overwhelmed, and without consistent supervision during this time. She acknowledged calling respondent's wife to express her concerns about W.T.'s thoughts on suicide. She further stated that on August 19, 1999

she contacted the police to inform them that her client, W.T., was suicidal and to ask them to investigate.

Regarding her concerns of suicide and her report to the police on August 19, 1999, respondent admitted that later that evening she went to W.T.'s house unannounced, knowing that his wife and family were out of town. She stated that she arrived at W.T.'s house at 9:45 p.m., that W.T. was present with his teenage foster son, and that respondent left at 1:45 a.m. She contended that she went to W.T.'s house out of concern for his mental status. Respondent explained that she remained for such a long time and so late at night as she was "having fun", going on to explain that to her "fun" meant talking about church activities.

Respondent further testified upon cross-examination, that she arranged a meeting between her twelve year old male client, G.R., and W.T. She claimed that she did this in response to the desire of G.R.'s mother for her son to meet an adult male who had suffered sexual abuse as G.R. had. Respondent admitted that she helped facilitate the buying of a puppy for G.R. by W.T., and that she allowed G.R.'s mother to obtain W.T.'s telephone number.

Finally, DAG Mendoza questioned respondent regarding her writings to W.T. Respondent claimed that all sexual and coercive references in the typed letters were inserted by W.T. When questioned about the typed and handwritten material which she admitted writing and which appeared to imply a sexual and

coercive relationship, respondent characterized the language as her attempt to be humorous.

In closing, Mr. Cona stated that all allegations of a sexual nature and other professional misconduct are categorically denied. He pointed out that there has not been other complaints against respondent. He argued that she is a competent professional and should be allowed to continue in the practice of social work.

In closing, DAG Mendoza argued that respondent's behavior constitutes an abuse of her licensure and demonstrates a total disregard for the physical and emotional well-being of her client W.T. The Attorney General contends that the continued practice of a social worker who has repeatedly crossed professional boundaries and engaged in sexual activity with a patient would constitute an imminent peril to the public within the intendment of N.J.S.A. 45:1-22.

DISCUSSION

The Board has considered the evidence presented and the arguments of counsel. For the limited purpose of this motion for temporary suspension of license and based upon respondent's testimony and the handwritten and typed documents which at the hearing she has admitted to authoring, the Board makes the following findings:

1. Respondent's writings to W.T. were highly exploitative of a vulnerable patient. The writings often contained sexually

provocative material which is egregious under any circumstance, but particularly egregious given W.T.'s past history as a sexually abused child.

By way of example, respondent admits to writing a journal which she gave to W.T., entitled "Pilgrim's Progress: the 1999 Revised Version by Katherine A. Cooper, Written Exclusively For W.T." In "Chapter One", respondent wrote in part, "I've also wondered if my goal should be to not love you so much....So far, at least, that hasn't been something I've had much control over....I am trying to put myself in your shoes. When I envision myself in counseling with a male therapist who would love me the way I love you, I feel outraged and like a trust has been betrayed....If you would allow me to define being a friend to W., it would be a combination of those four roles: mother, Christian, therapist, and woman...." In "Chapter Two", written on various dates, respondent wrote "this chapter will be the putting to death of my desire to be flirtatious with you...Until I put this desire to death, you will feel no security with me...Because no amount of self-control can guarantee that I will sit on my hands, that I will watch my words. There will always be the risk of an unguarded moment--as long as that desire still lives within me...Today, I doubt it will ever be humanly possible for you & me to be in the same room and for me to be prim and proper...So, how

about it if YOUR job is to set the boundaries, and MY job is to test the boundaries?"

Respondent's protestations of love for the client, acknowledgment that she has betrayed the trust of the client, admissions that she wishes to be flirtatious with him and that there is no guarantee she will be able to control herself, and her request that the patient set the boundaries and she will test them, bespeaks such a lack of professional judgment and control that this alone graphically demonstrates the danger inherent in any practice by respondent pending the plenary hearing.

2. Respondent's writings to W.T. display a complete betrayal of trust, a disregard for W.T.'s needs, and a demand that respondent's needs be met. One example is a typed letter entitled "Five Logical, Rational, Therapeutically Valid Reasons Why I Am Mad At W." in which respondent admitted to writing the following: "I am mad at you because I have been in a bad mood off and on for FOUR MONTHS. This is an inordinate amount of time for any one person to be upset. You have far too much control over how I feel, and it has been affecting my personal life. When I do not hear from you on a regular basis, I become paranoid that you and your truck are wrapped around a tree on some curve on some dark back road in Cumberland County....It is about time that you take FULL RESPONSIBILITY for my moods and repent of your

negligence by contacting me on a regular basis so I will be reassured that you are still on Planet Earth."

Respondent's insistence that W.T. be responsible for her feelings and moods is in direct contravention to the most basic tenets of social work practice. The burden on the client is further intensified by respondent's disclosure to W.T. that he has too much control over how she feels and it affects her personal life. Clients come to therapists so they may receive professional help in resolving issues and problems. Whether by ignorance or design, respondent has corrupted the nature of the therapeutic relationship by demanding that her client take full responsibility for her moods and feelings and, ultimately, for the quality of her personal life.

3. Respondent's unannounced visit to W.T.'s house from 9:45 p.m. to at least 1:45 a.m. on the night of August 19, 1999 evidences a complete disregard or utter lack of understanding of the professional boundaries between a therapist and client to the detriment of the patient. Respondent claimed that the reason for her visit was her concern about W.T.'s thoughts of suicide. Her testimony as to why she stayed until 1:45 a.m. was that she was sitting around the pool with W.T. and having fun. Respondent's uninvited and lengthy social call to the private home of a patient whose family was out-of-town is far outside the appropriate scope of social work practice.

The Board has made no findings at this time as to whether respondent engaged in sexual acts with W.T. Nor has the Board made any preliminary finding as to whether respondent encouraged W.T. to have sex with young boys and offered to procure them. The Board finds it unnecessary to resolve these contested issues at this time and awaits their further development at the plenary hearing.

The Board preliminarily concludes that respondent significantly crossed over professional boundaries, limiting her objectivity, impairing her professional judgment, and exploiting W.T. in violation of N.J.A.C. 13:44G-10.4 which constitutes violations pursuant to N.J.S.A. 45:1-21(c), (d), (e) and (h). This conclusion is based upon the whole record, in particular respondent's testimony and the writings which respondent admits to having authored. Respondent's letters in Exhibit B are replete with examples of her continual and pervasive crossing of the professional boundaries between therapist and client. These writings and respondent's apparent failure to understand that her actions crossed professional boundaries and exploited the patient's vulnerabilities sufficiently show that her professional actions and judgments are so impaired that she is not safe to practice.

The Board concludes that the evidence presented palpably demonstrates a clear and imminent danger to the public were

respondent to continue to practice pending adjudication of the charges. The Board finds that the conduct imports such a lack of sound professional judgment that its foreseeable consequences cannot be confined to the happening of the individual incidents set forth in the Complaint. Rather, this conduct appears to be indicative of a more general and fundamental incapacity presenting undue risk to the public, including: serious blurring of the requisite professional boundaries between a licensed social worker and client, repeated serious failure to exercise professional skills in a competent and responsible manner; and a demonstrable inability to discharge the responsibilities of a Board licensee in a manner consistent with the public health, safety and welfare. Therefore, no remedial measure less than the full temporary suspension of license will suffice to protect the public interest.

THEREFORE, IT IS ON THIS 14TH APRIL 2000

ORDERED:

1. Effective on the oral announcement of this Order on the record on April 5, 2000, respondent's license to practice social work in the State of New Jersey shall be temporarily suspended pending disposition of a plenary hearing in this matter.

2. Respondent shall cooperate with mental health professionals at her place of employment to facilitate the referral of her clients to other therapists.

3. Respondent shall immediately return by registered mail her New Jersey license to Leslie Arcanson, Executive Director, State Board of Social Work Examiners, 124 Halsey Street, Sixth Floor, Newark, New Jersey 07101.

4. Respondent shall not hold herself out as a social worker or practice social work in this State, including but not limited to, exempt settings as defined in N.J.S.A. 45:15BB-5.

NEW JERSEY STATE BOARD
OF SOCIAL WORK EXAMINERS

By: Mariagnes Lattimer
Mariagnes Lattimer, Ph.D., MSW, LCSW
President